

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NE/Corner Milford Mill Road North and Milford Mill Road (Woodholme Manor) 2nd Election District and Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 91-434-SPHA

Paul C. Beatty, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to interpret whether a sign, which is pictured on Petitioner's Exhibit 3, is a directional or informational sign as governed by Section 413.1(e)(1) and other related provisions of the Baltimore County Zoning Regulations (B.C.Z.R.) and also request a variance from Section 413.1(e) of the B.C.Z.R. to allow a total square footage for said sign of 64 sq.ft. (32 sq.ft. per face) in lieu of the maximum permitted 15 sq.ft., as is more particularly described on Petitioner's Exhibits 1, 2 and 3.

The Petitioners were represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petitioners were Michele M. Kaub, Property Manager of Woodholme Manor Apartments, and Maureen E. Evans, Resident Manager of Woodholme Manor Apartments. There were no Protestants.

Testimony indicated that the subject sign, depicted on Petitioner's Exhibit 3, is located on a triangular piece of the property located at the intersection of Milford Mill Road North and Milford Mill Road, said property being zoned R.O. The triangular piece of property is owned by Paul C. Beatty and Anna B. Beatty as tenants by the entireties. The owners of the property have agreed to permit the sign to be posted on their property for the purpose of identifying the Woodholme Manor Apartments. Testimony indicated that the property on which the sign is located is not part

of, or adjacent to, the Woodholme Manor Apartments, that is, the sign is located "off premises." The sign is a 4' x 8' wooden sign, set between two 6" x 6" posts and stands 7' high and advertises the apartments with a directional arrow and a telephone number. Testimony presented by the witnesses indicated that the telephone number is on the sign for the purpose of providing passing motorists with a number to call to inquire about the apartments and rental fees. Testimony also indicated that the subject sign is necessary to direct potential renters and visitors to the Woodholme Manor apartment complex. Testimony indicated that this particular sign has existed at this location for the past couple of years, but that there has always been a sign of similar size and wording on this particular location since 1970.

After due consideration of the testimony and evidence presented, it is the opinion of the Deputy Zoning Commissioner that the sign as depicted on Petitioner's Exhibit 3, is an outdoor advertising sign as that term is defined in the B.C.Z.R. This particular sign does not fit into the category of a directional or informational sign as those signs are governed by Section 413.1(e) of the B.C.Z.R. by virtue of the existence of a telephone number on said sign. The purpose of displaying the telephone number is to solicit potential renters to the Woodholme Manor apartment complex. Section 413.1(e) clearly states that a directional or informational sign shall contain no advertising matter. In the opinion of the Deputy Zoning Commissioner, the display of the telephone number on the subject sign constitutes advertising matter and as such, causes this sign to not fit into the category requested by the Petitioners. Therefore, the relief requested in the Petition for Special Hearing must be denied.

ORDER RECEIVED FOR FILING

Date 7/17/91
By [Signature]

- 2 -

However, it was brought to the attention of Mr. Cannon, attorney for Petitioners, that should the telephone number be removed from the subject sign, then the sign would fit into the category of a directional or informational sign and would be governed by Section 413.1(e) of the B.C.Z.R. Because the Petitioner may very well bring this sign into compliance with Section 413.1(e) of the B.C.Z.R. by either removing or painting over the telephone number that exists on the sign, I feel compelled to decide the issue of the variance, thereby allowing the Petitioners to avoid having to refile for a variance in the future.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soiley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING

Date 7/17/91
By [Signature]

- 3 -

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing shall be denied, that is, the sign as pictured on Petitioner's Exhibit 3 is an Outdoor Advertising sign and not a directional or informational sign. However, the variance requested by the Petitioners shall be granted, conditioned upon the Petitioners bringing the wording of the subject sign into compliance with Section 413.1(e) of the B.C.Z.R.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1991 that the sign as depicted on Petitioner's Exhibit 3, is an outdoor advertising sign as that sign is defined in the B.C.Z.R., and as such, the Petition for Special Hearing to determine that the sign posted on the subject property is either a directional or informational sign in compliance with Section 413.1(e)(1) and other related provisions of the Baltimore County Zoning Regulations (B.C.Z.R.), is hereby DENIED; and,

IT IS FURTHER ORDERED that if Petitioners remove or paint over the telephone number existing on the subject sign, and add no other verbiage other than what exists as pictured on Petitioner's Exhibit 3, then said sign would fit into the category of a directional or informational sign as governed by Section 413.1(e) of the B.C.Z.R., and as such, would be permitted to exist at the subject location; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 413.1(e) of the B.C.Z.R. to permit a directional or informational sign to have a total square footage of 64 sq.ft. (32 sq.ft. per face) in lieu of the maximum permitted 15 sq.ft., be and is hereby GRANTED, sub-

ORDER RECEIVED FOR FILING

Date 7/17/91
By [Signature]

- 4 -

ject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioners would be required to file a new Petition.
- 2) The relief granted herein is conditioned upon the Petitioners bringing the subject sign into compliance with Section 413.1(e) of the B.C.Z.R. by either removing or painting over the telephone number which currently exists on said sign.
- 3) Within thirty (30) days of the date of this Order, Petitioners shall submit proof of compliance with this Order and Section 413.1(e) of the B.C.Z.R. to the Zoning Enforcement Division of this Office.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING

Date 7/17/91
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 17, 1991

Robert W. Cannon, Esquire
Weinberg & Green
100 S. Charles Street, 14th Floor
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
NE/Corner Milford Mill Road North and Milford Mill Road
2nd Election District - 2nd Councilmanic District
Paul C. Beatty, et ux - Petitioners
Case No. 91-434-SPHA

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing has been denied and the Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: People's Counsel

File

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-434-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the sign posted on the property as being in compliance with Section 413.1(e)(1) and the other related provisions of the Baltimore County Zoning Regulations. The property is zoned RO (See Attachment).

Property is to be posted and advertised as prescribed by Zoning Regulations.

Sign Owner agrees to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agrees to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Sign Owner and Legal Owner

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Sign Owner:

WOODHOLME MANOR LIMITED PARTNERSHIP

Signature Paul Ventis, Authorized Agent

Address

City and State

Attorney for Petitioner:

Robert W. Cannon

(Type or Print Name)

Signature

Address

City and State

100 South Charles Street, 14th Floor

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: (301) 332-8816

Legal Owner(s):

Paul C. Beatty

(Type or Print Name)

Signature

Address

City and State

c/o Robert W. Cannon, Esquire

Weinberg and Green

100 S. Charles Street

Baltimore, Maryland 21201

City and State

Name, address and phone number of legal owner, contractor purchaser or representative to be contacted

Robert W. Cannon

Name

100 South Charles Street

Baltimore, MD 21201 (301) 332-8816

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of July, 1991, at 2 o'clock P.M.

P.M.

J. Robert Hinec

Zoning Commissioner of Baltimore County

(over)

1012-10

2-91-1055

ORDER RECEIVED FOR FILING

Date 7/17/91
By [Signature]

427

0081:94/10/91
BPO96(14528)

Attachment for Petition for Special Hearing

Submitted on Behalf of
Paul C. Beatty and Anna B. Beatty and
Woodholme Manor Limited Partnership

The subject matter of this Special Hearing involves a legal question of interpretation of the zoning regulations. It would be wasteful of the time of the Baltimore County departments and agencies and of petitioner and would create unnecessary expenses for petitioner to require that a plan be prepared strictly in accordance with the checklist for filing. No useful purpose would be served. Photographs of the sign, together with computations thereof, will illustrate the facts.

The issue arose by virtue of a Notice dated January 7, 1991 from Zoning Inspector Derek Propolis. A copy of the Notice is attached.

Petitioner, through Counsel, advised Inspector Propolis that they disagreed with his conclusion that the sign was an outdoor advertising sign. Petitioner asserts that the sign is a directional or informational sign stating the name and location of the community which is permitted under Section 413.1(e)(1) of the Baltimore County Zoning Regulations.

91-434-SPHA

423

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _____ of the Baltimore County Zoning Regulations as follows:

I desire such information concerning my proposed lot total (_____ square feet or _____ acres) as is less than the permitted _____ square feet or _____ square feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

sign owner and local owner

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day

J. Robert Grimes
Zoning Commissioner of Baltimore County
(over)

423

91-434-SPHA

BERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
Baltimore, Maryland 21201-2773

MORE, MARYLAND 21201-2773
 (301) 332-8600
 WASHINGTON AREA 470 7400
 FACSIMILES
 (301) 332-8862
 (301) 332-8863

14 WEST PATRICK
 FREDERICK, MARYLAND
 (301) 691-1111
 FILE NO.

August 26, 1991

8/12/41

Re: Case NO. 91-434-SPHA

Dear Mr. Kotroco:

This will serve to certify to you that the tele-
phone conversation involved in the subject case

This will serve to
number formerly on the sign involved in the subject case
is on that sign, as appears from the picture enclosed herewith.

Yours very truly,
J. Edgar Hoover

Robert W. Cannon
Attorney for Petitioner

0015p/0119/csg

Enclosure

11 AUG 1964
ZOWING CI

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

Rec'd 7/31/9

JK/KEK

cc: Robert W. Cannon, Esq.
Paul C. Beaty, et ux and Woodholme Manor Limited Partnership, c/o Robert W. Cannon

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-434-SPHA
NEC Milford Mill Road North and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Paul C. Beatty, et ux
Sign Owner(s): Woodholme Manor Limited Partnership
HEARING: THURSDAY, JULY 11, 1991 at 2:00 p.m.

Variance to permit a directional or informational sign of 64 sq. ft. total (32 sq. ft. per face) in lieu of the permitted 15 sq. ft. or 25 sq. ft.

Special Hearing: The sign posted on the property as being in compliance with Section 413.1 (e) (1) and the other related provisions of the B.C.Z.A.

Zoning Commissioner of
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

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Special Hearing: The sign posted on the property as being in compliance with Section 413.1 (e) (1) and the other related provisions of the B.C.Z.A.

Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/14/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6/91.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$ 31.52

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6/24/91

Woodholme Manor Limited Partnership
c/o Robert W. Cannon, Esq.
100 S. Charles Street, 14th Floor
Baltimore, Maryland 21201

RE:
Case Number: 91-434-SPHA
NEC Milford Mill Road North and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Paul C. Beatty, et ux
Sign Owner(s): Woodholme Manor Limited Partnership
HEARING: THURSDAY, JULY 11, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$11.52 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ARNOLD JARLOW
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 21, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-434-SPHA
NEC Milford Mill Road North and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Paul C. Beatty, et ux
Sign Owner(s): Woodholme Manor Limited Partnership
HEARING: THURSDAY, JULY 11, 1991 at 2:00 p.m.

Variance to permit a directional or informational sign of 64 sq. ft. total (32 sq. ft. per face) in lieu of the permitted 15 sq. ft. or 25 sq. ft.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert W. Cannon, Esq.
Paul C. Beatty, et ux and Woodholme Manor Limited Partnership, c/o Robert W. Cannon

WEINBERG AND GREEN

ATTORNEYS AT LAW

100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

(301) 332-8800 WASHINGTON AREA 470-7400

FACSIMILES (301) 332-8862

TELETYPE (301) 332-8863

10480 LITTLE PATENT PARKWAY
COLUMBIA, MARYLAND 21044-3808
(301) 740-8500

WRITER'S DIRECT DIAL NUMBER

(301) 332-8816

May 21, 1991

Ms. Catherine A. Milton
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Development Control Item #423
Enforcement File C-91-1350

Dear Ms. Milton:

Thank you for your letter of May 3, 1991. I appreciate the concern you have expressed in your letter concerning the contents of our submission. We respectfully disagree with your opinion and believe the applications to be complete and to conform to the spirit and intent of the Zoning Office. The issue in this matter relates to a legal interpretation and we believe that the materials submitted put that in focus.

Thank you again for your professional attention to this matter.

Very truly yours,

Robert W. Cannon

0426p/0001/ckh

cc: Mr. Derek Propolis

LEGAL NOTICE

BALTIMORE COUNTY GOVERNMENT
ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-434-SPHA
NEC Milford Mill Road North and Milford Mill Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Paul C. Beatty, et ux
Sign Owner(s): Woodholme Manor Limited Partnership
HEARING: THURSDAY, JULY 11, 1991 at 2:00 p.m.

Variance to permit a directional or informational sign of 64 sq. ft. total (32 sq. ft. per face) in lieu of the permitted 15 sq. ft. or 25 sq. ft.

Liberty Sr. Ctr. Classes Begin

Liberty Senior Center, located at 8737 Liberty Rd., Randallstown, is registering seniors for summer classes as space permits Wed., June 12 through Tues. June 18 from 9-11 a.m. and 1-2:30 p.m. For more information, call the center at 887-0780.

Free Vaccines Given June 10

Due to the recent outbreak of measles, the County Dept. of Health will hold a free MMR clinic on June 10 from 9-11 a.m. at the Community Resource Center, 8737-B Liberty Rd. For more info., call 887-2729.

BCHH and the Red Cross will hold a Blood Drive on June 10 from 7 a.m.-7 p.m. in the Administrative Services Bldg., meeting rooms 1 & 2. To schedule a donor appointment, call 521-5926.

Tot Program at Bedford Elementary

A Summer Tot program will be offered at Bedford Elementary School Recreation Center for 4 & 5 year olds from June 24-August 1. Mon-Fri. 9:30 a.m.-noon. Cost is \$155 for the summer. This program will offer children the opportunity to explore the world around them through art & crafts, music, books, and group play. Call Pikeville West Recreation Office at 887-1258 for more information or to register.

the second publication appearing on the
day of 19
the third publication appearing on the
day of 19

THE NORTHWEST STAR

Manager

Cost of Advertisement \$24

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 2nd

Date of Posting 6/27/91

Posted for: Robert W. Cannon, Esq.

Location of property: 111 West Chesapeake Avenue, Towson, MD 21204

Location of Sign: 111 West Chesapeake Avenue, Towson, MD 21204

Remarks: See attached for proposed sign information

Posted by: Robert W. Cannon, Esq.

Date of return: 6/27/91

Number of Signs: 2

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 3, 1991

Robert W. Cannon, Esquire
Weinberg & Green
100 South Charles Street
Baltimore, Maryland 21201-2773

RE: Development Control Item #423
Enforcement File C-91-1350

Dear Mr. Cannon:

I am in receipt of the package of information that accompanied your letter dated April 29, 1991. This letter is to inform you of three facts:

1. Your petition was accepted and was assigned with Item #423.
2. It is my belief that the petition as filed is not the complete package of information required by this office for a zoning hearing. Although I am of the opinion that this application is incomplete, the final decision as to whether this case may proceed is left to the Baltimore County Zoning Commissioner or his Deputy. (Enclosed please find the petition checklist with the items not completed circled)
3. To confirm our conversation of April 18, 1991, I specifically advised you at that time that your application was incomplete and that the hearing may be dismissed due to an inappropriate filing. You indicated to me that you wished to proceed with only the information enclosed in with the letter dated April 29, 1991.

Very truly yours,

Catherine A. Milton
CATHERINE A. MILTON
Planner I

CAM:cer

cc: Derek Propolis - Zoning Inspector
File (Item #423)

423

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
TELEPHONE (410) 527-8816

April 29, 1991

VIA HAND DELIVERY

Ms. Kate Milton
Baltimore County Office of Planning
and Zoning
Development Control Section
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING DEPT.
91-434-SPHA

Dear Kate:

This letter serves as a followup to my appointment with you on Thursday, April 18, 1991 relating to the filing of petitions for Special Hearing and for a Variance relating to a sign posted near the intersection of Milford Mill and Old Milford Mill. Enclosed you will find the following:

1. Three executed counterparts of the Petition for Special Hearing.
2. Three executed counterparts of the Petition for Variance.
3. Two checks payable to Baltimore County, Maryland each in the amount of \$175.00 representing the filing fees.
4. Twelve copies of the 200 scale zoning map with the apartment community and the identification sign highlighted.
5. Twelve copies of the tax map with the apartment community and identification sign highlighted.
6. One copy of calculations of square footage of the sign with a photograph.
7. Three copies of the Deed by which the property owner acquired the property upon which the sign is located. The Deed description and the exhibit are highlighted in yellow.

423

WEINBERG AND GREEN

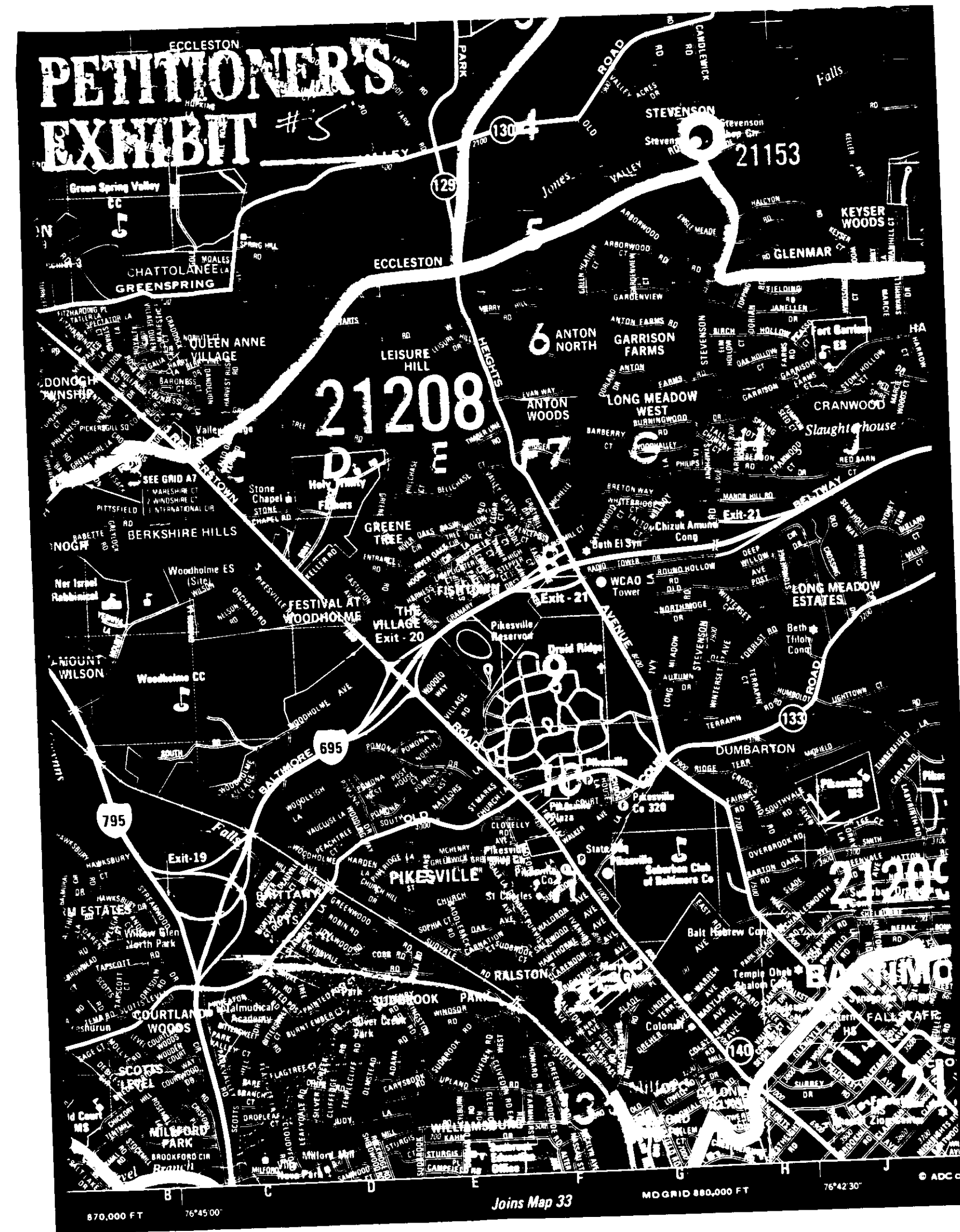
Ms. Kate Milton
April 29, 1991
Page 2

Please process this material and provide me with the item numbers and receipts as your schedule permits.

Sincerely yours,
Robert W. Cannon

91-434-SPHA

423



To whom it may concern:

The sign as seen in photo is a 2 sided, 4' x 8' x 100 sign. Sign set between 6" x 6" posts, and stands 7' high at its peak.

Sign is installed 15' from curb on Milford Mill Rd. & 18' from curb on Old Milford Rd. Sign is maroon & navy.

Thanks,
Ryan G. Brown
655-4240

91-434-SPHA

PETITIONER'S EXHIBIT 3

423

Baltimore County Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: P 001.6150
Number

91-434

Please Make Checks Payable To: Baltimore County

Cashier Validation

EXHIBIT #4

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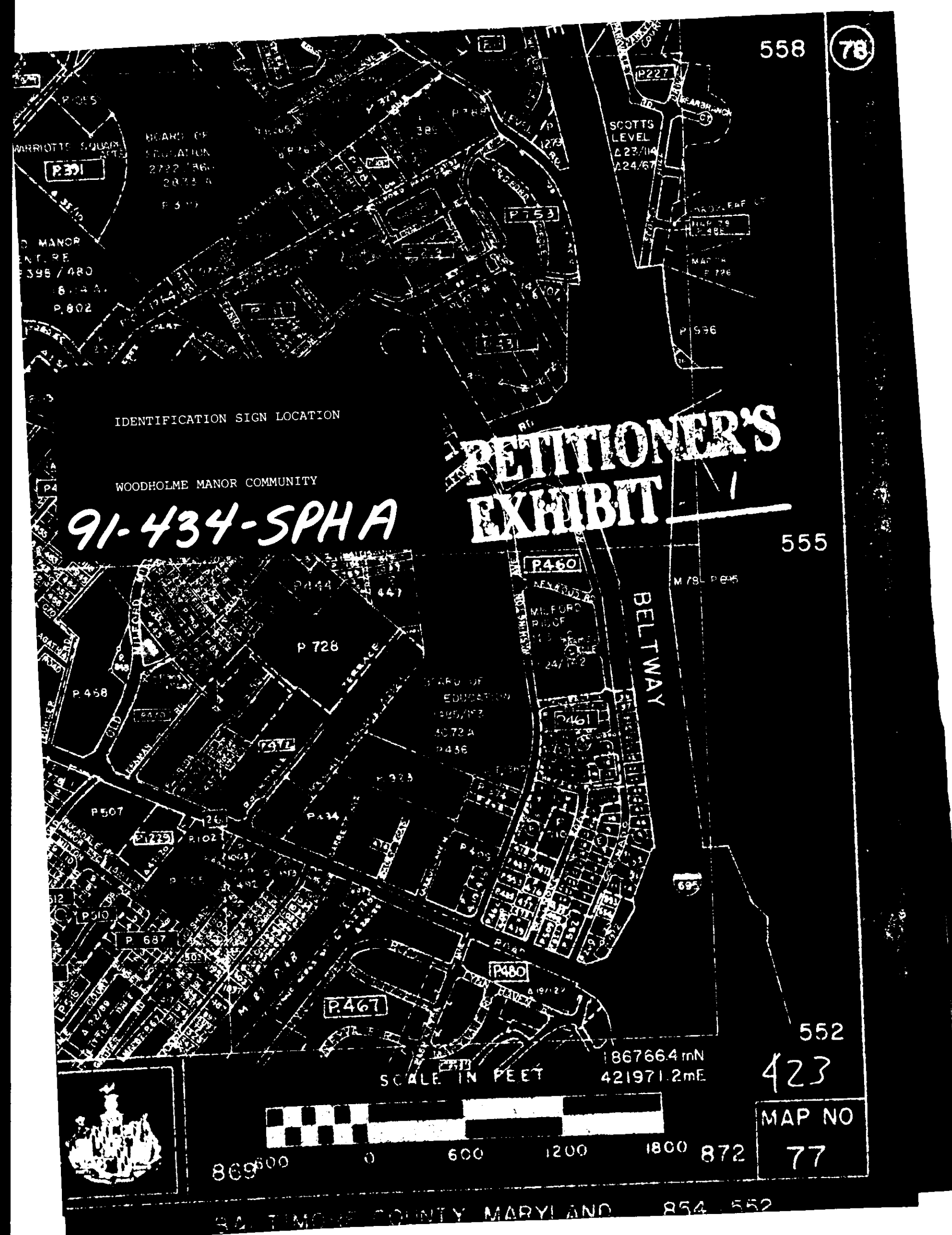
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Baltimore County Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: P 001.6150
Number

91-434

Please Make Checks Payable To: Baltimore County

Cashier Validation

DATE: 04/29/91

CT	PRICE
1 X	\$175.00
1 X	\$175.00
TOTAL:	\$350.00

LAST NAME OF OFFER: BEATY

04A040155WCHRC
Please Make Checks Payable To: Baltimore County 0155WCHRC-03-91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 19, 1991

Robert W. Cannon, Esquire
100 S. Charles Street
14th Floor
Baltimore, MD 21201

RE: Item No. 423, Case No. 91-434-SPHA
Petitioner: Paul C. Beaty, et ux
Petition for Special Hearing and
Zoning Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
15th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Paul C. Beaty, et ux

Petitioner's Attorney: Robert W. Cannon

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 3, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Paul C. Beaty, Item No. 423

In reference to the petitioner's request, the staff offers the following comments:

Based upon an analysis of the information provided, this office believes that the subject sign is directional in nature; therefore, we recommend that the request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM423/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

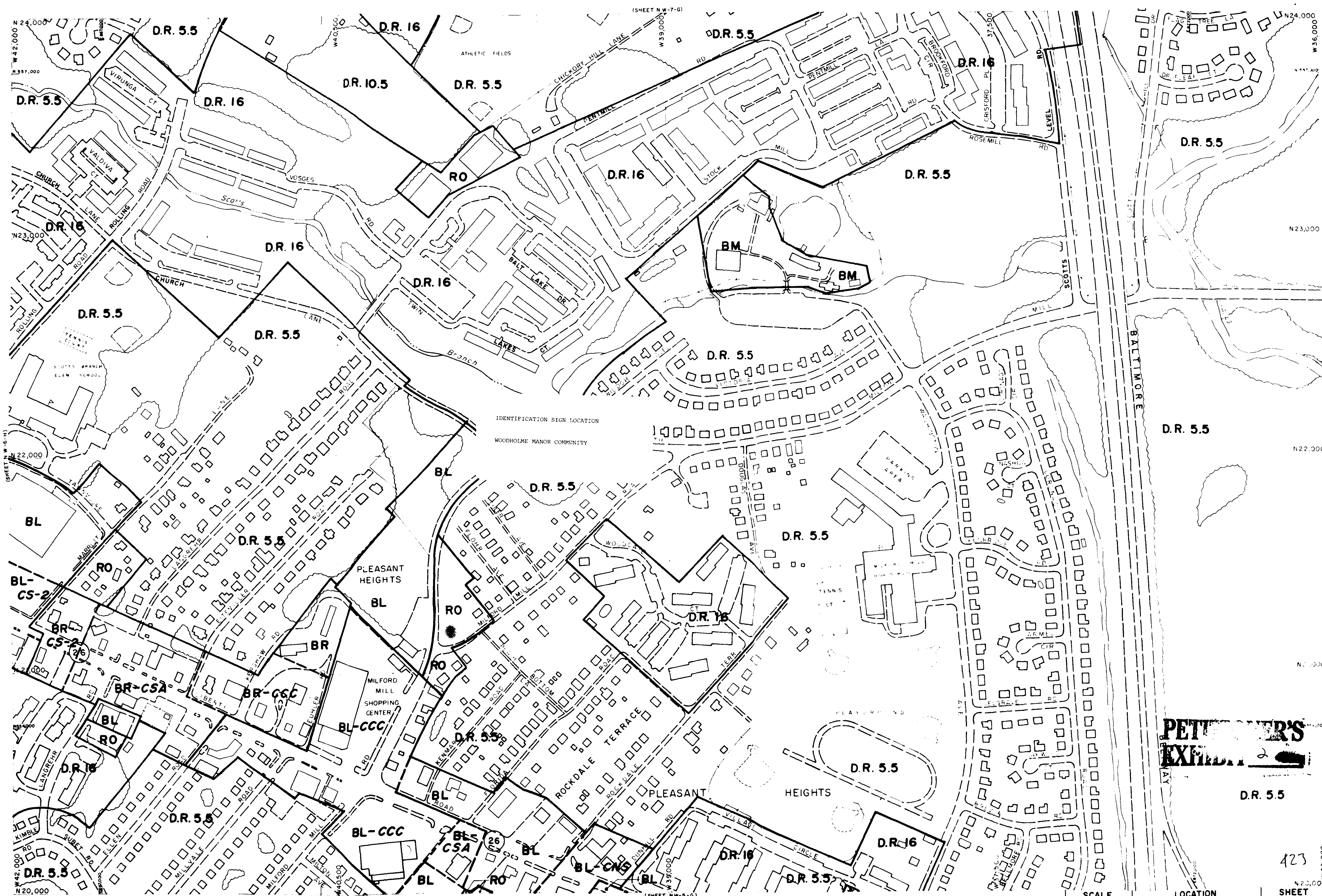
For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s



P - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ROCKDALE
PLEASANT
HEIGHTS
MIDVALE

423
SHEET
N. W.
6-G

PETTER'S
EXHIBIT

D.R. 5.5

91-434-SPHA